

## **Department of Corrections Legislative Report for HCR 25 of the 2016 Regular Session**

House Concurrent Resolution 25 of the 2016 Regular Session requests that each department of the executive branch of state government submit to the commissioner of administration, the legislature, and the Taskforce on Structural Changes in Budget and Tax Policy a report that outlines the initiatives the department will take to ensure more efficient operation for Fiscal Year 2016-2017 and beyond.

### **Agency Overview**

The Louisiana Department of Public Safety and Corrections—Corrections Services (DPS&C-CS) is responsible for the custody and care of adult offenders across Louisiana. Approximately over of Louisiana's approximately 36,200 inmates are assigned to the states 7 correctional facilities. The remaining offenders are assigned to parish facilities and work release centers. The Department's Probation and Parole division supervises and additional 70, 000 offenders in our community.

The mission of Corrections Services is to enhance public safety through the safe and secure incarceration of offenders, implement effective probation/parole supervision and proven rehabilitation strategies that successfully reintegrate offenders back into society, and to assist individuals and communities that have been victimized by crime.

Since 2008, the Department's budget has been reduced by 180 million dollars (this reduction includes the absorption of mandatory expense increases such as the Office of Risk Management, legislative auditors, etc.) and 2,000 employee position reductions. Furthermore, over the past eight years we have eliminated inefficient and ineffective programs, combined resources, closed costly and inefficient prisons, double bunked the majority of our state prison facilities, privatized Probation and Parole fee collections, and implemented various technology services in order to ensure that we fully maximized our operational efficiency capacity and generated maximum cost savings. Two operational goals for FY 2016-217 that may generate a small savings are:

1. Work with state and local facilities to identify offenders who are eligible for participation in work release in order to maximize the total number of offenders classified at the lower TWP per diem rate vs the per diem rate for local level jail housing.
2. Continue to increase programs at the local level, i.e. Pell grants and Vocational Education, in order to not only reduce recidivism but also increase offenders' ability to earn educational goodtime credit.

However, the remaining area with potential for further substantial savings is to continue our ongoing efforts to reduce our prison population.

## **Background on Louisiana Prison Population**

As of the end of FY15/16, Louisiana currently houses 18,480 in 7 state prisons and 17,680 at the local level in parish jails across the state. Since 2011, Louisiana's prison population has declined approximately 10.5 per cent. This 10.5 per cent reduction in the offender population equates to a cumulative taxpayer savings of roughly 38 million dollars per year. Likewise, we have also seen a reduction in recidivism rates by approximately 8 per cent. These reductions mean that more of our state's citizens are able to re-join the workforce after being released. Furthermore, Louisiana was ranked 4<sup>th</sup> in the country in 2014 in terms of prison population reduction and is also one of the few states projected to see a continuing decline in the state prison population over the next 5 years.

The successes we have achieved in reducing the prison population, recidivism rates, and the overall cost to tax payers are largely due to collaboration and partnership of the many stakeholders within the criminal justice community. Specifically, partnership efforts to implement a variety of policy and legislative reforms and reinvestment strategies designed to reduce the length of time nonviolent offenders serve in incarceration, improve the quality of education and training programs offenders receive while incarcerated, better prepare offenders to transition back into society upon release and help offenders successfully complete their time on probation or parole. The following are examples of the large scale reforms and programming investments that we will continue to build upon in fiscal year 2016-2017 and beyond.

### **1. Sentencing Commission Endorsed Legislative Reforms (2011-2016)**

- Increased public safety by requiring providers of home incarceration services to issue reports to the Department of Corrections on the offenders under their supervision.
- Created process to allow probation and parole officers to punish probationers and parolees with administrative sanctions for technical violations of their supervision conditions.
- Enhanced the pardon and parole process to ensure members of the Pardon Board and Parole Board are equipped with the tools they need to make proper clemency decisions.
- Merged the pardon and parole board and their duties.
- Created a mechanism that allows district attorneys to waive certain mandatory minimums in order to tailor appropriate punishments for certain non-violent, non-sex offense offenders.
- Repealed the costly and under-utilized risk review panels, an extra layer of bureaucracy in the clemency process.
- Expanded the authorization of re-entry court programs into 10 Judicial Districts.
- Allowed first time non-violent, non-sex offense, non-habitual offenders who have proven to be model prisoners to become parole eligible after serving 25% of their sentence instead of 33% and second time non-violent, non-sex offense, non-habitual offenders who have proven to be model prisoners to become parole eligible after serving 33 percent, rather than 50 percent, of their sentences.

- Simplified the calculation of diminution of sentence, or “good time,” that non-violent, non-sex offense offenders can earn while they are in jail. Rate calculated at approximately 40% for non-violent offender and 85% for violent offenders
- Created a cleansing period for purposes of offense status if a person had no previous criminal convictions 10 years prior to the offense. (Example 2<sup>nd</sup> offender with 10 years no prior criminal convictions—then parole eligibility is calculated at 1<sup>st</sup> offender rate).
- Ensured the effective use of the administrative sanctions that were enacted in 2011 and enabled probation and parole officers to quickly punish offenders under their supervision for violations of the conditions of their supervision.
- Created a DOC Substance Abuse Probation Program for certain drug offenders that is closely modeled after the Drug Court Probation program- using third party substance abuse treatment providers as well as Administrative Sanctions to mirror the Drug Court’s swift accountability and graduated sanctions.
- Created an Early Release Program for Certain Drug Offenders onto intense parole supervision for certain eligible offenders that successfully complete a 90 day substance abuse treatment program.
- Authorized a 6 month transitional parole program for non sex non-violent offenders that would otherwise release at full term with no supervision. (Typically those sentenced under the habitual offender statute).
- Reduced the time that a person previously denied a hearing must wait before filing a second or third clemency or pardon application with the board of pardons and parole.
- Added simple possession of marijuana to the list of technical violations that will not cause a person to have probation/parole completely revoked.
- Expanded expungement laws to include all non-violent misdemeanors and felonies with waiting period of five and 10 years.
- Removed certain restrictions to eligibility for consideration in a Drug Court Program.
- Consolidated the theft statutes and increased the felony threshold amount from \$500 to \$750
- Reduced archaic penalties for simple possession of marijuana.
- Limited the liability of employers the certain future acts of employees with previous criminal convictions in order to incentivize hiring.
- Created a hardship license for certain offenders exiting the prison system.
- Reduced parole eligibility time from 85% to 75% for violent crimes that are not otherwise restricted from parole eligibility.
- Created a category of relative crimes of violence that gives the DA and Court discretion to classify certain crimes as non-violent for purposes of Drug Court eligibility and/or Sentence deferrals.
- Authorized Reentry Courts to issue an official certificate of employability/rehabilitation to offenders who successfully complete the program.

## **2. Establishment and Expansion of Statewide Regional Reentry and Day Reporting Centers**

Over the past three years and despite losing approximately 2000 positions, the Department has invested in the expansion of local reentry centers statewide to a total of nine (8 male centers and 1 female) in order to provide offenders housed in parish jails with access to reentry programming that helps them better transition back into the community, which in turn reduces recidivism. The programs are designed to provide workforce readiness; life skills training; two forms of

identification; a résumé, residence and employment planning; and connection with needed post-release community resources. The Department opened a total of eight day reporting centers in metro areas (4 recently closed due to budget cuts) which are community based programs that Judges and P&P officers utilize for violators as alternatives full revocations/re-incarceration. Furthermore the Department also deployed twenty transition specialists to twenty-eight local jails to offer rehabilitative programs such as Thinking for Change; Understanding and Reducing Angry Feelings; Louisiana Risk Management Model (Phases 1 and 2); Partners in Parenting; and the Standardized Pre-release Curriculum 2010. In addition, DOC has expanded adult basic education programs into thirteen local jails, opened a 500 bed transitional work program for females, created a 600-bed residential substance abuse treatment beds, and has begun utilizing federal Pell Grant funds to provide inmates housed at the local level with education classes.

### **3. TIGER Risk/Needs Assessment Tool**

#### **Targeted Interventions Gaining Enhanced Re-entry**

TIGER was created by LSU using DPSC data so the tool is normed to Louisiana. Needs assessments determine what deficits exist for an offender that may cause return to prison such as mental health issues, substance abuse issues or other criminogenic needs. Together, the risk needs tools can determine who is at higher risk of return to incarceration and then guide placement/classification and programs designed to reduce recidivism. The risk tool is currently in a laptop version that will be deployed in jails, prisons and selected Probation and Parole districts for field testing. LSU needs at least 3,000 risk scores for those releasing in the next few months or already released. The assessment tool is currently 113 questions and administered by a PowerPoint audio presentation and scantron. During this field test of the needs assessment, the scantrons will be returned to DPSC for evaluation. In the final version, the results will be available to the end user for programming decisions and allocation of resources. Full state-wide implementation of this tool will help ensure that offenders receive the programming they need in order to help them return to their communities as productive tax-paying citizens.

### **4. Justice Reinvestment Initiatives (JRI)**

In 2010, Louisiana and 17 other states, participated in the Justice Reinvestment Initiative facilitated by the US Department of Justice as a way to actively address its high incarceration rate. The purpose of this initiative was to assist states in identifying specific drivers contributing to their high incarceration rates. In Louisiana, this initiative identified three prominent drivers: the large percentage of non-violent offenders in prison, low level technical violations of parole resulting in full revocations and offenders returning back to prison, and the declining number of offenders granted parole. In 2011 and 2012, to address these drivers and at the recommendation of the Louisiana Sentencing Commission, the legislature passed reforms which authorized the use of administrative sanctions for technical violations of probation and parole and increased eligibility for traditional and good time parole for non-violent offenders.

In 2015, the Legislature created the Louisiana Justice Reinvestment Task Force, which was not to convene until June of 2016. The Secretary of the Department of Corrections is the designated Chair of the Task Force, who with the assistance from The Pew Charitable Trusts, will review the criminal justice system and use a data-driven approach to develop sentencing reform recommendations to the Legislature by March 2017 related to the three following goals:

1. Reduce Correctional populations and associated correctional spending by focusing prison space on serious and violent criminals.
2. Hold offenders accountable more efficiently by implementing research-based supervision and sentencing practices
3. Reinvest savings into strategies that decrease recidivism while also maintain and improving the overall public safety of our communities.

As noted above, the Department has spent the last several years creating efficiencies in our operations and the next initiative on reducing our operational budget. The next way to reduce the Department budget is through the reducing our prison population, expanding research based supervision and decreasing recidivism which combined will further improve public safety in our communities.